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EXHIBIT

DATE 3.19.09

SB 221

Please distribute the following pages of testimony to all  
members of the House Judicial Committee

Kelly Sondeno

(406)598-2287

Members of the 2009 House Judiciary Committee,

My name is Kelly Sondeno and I live at 40 Gebo Road in Fromberg, Mt. I hope you will take my written testimony and the supporting evidence into consideration as you decide on whether to pass SB 221 forward to the floor for discussion. I do not know if I will be able to attend the hearing tomorrow, but I am open to questions from the committee or individuals through email or phone.

I do not know any of you personally, but you may hear me discussed tomorrow during testimonials from some of the proponents in favor of SB 221. First, I would like to give you a brief background of myself. Contrary to statements of what others would lead you to believe, I am not crazy nor do I have a mental problem with the hoarding of companion animals.

I am the founder of a companion animal rescue called Great and Small Safe Harbor Rescue for Animals or Safe Harbor. Safe Harbor was established in August of 2002. We were the original and first rescue group to work with the Billings Animal Shelter to any large degree. Safe Harbor worked with the Billings Animal Shelter (BAS) to adopt out their shelter animals that were on the "kill list". These animals were at the end of the line.....not bad cats or dogs.....just ones whose time had run out. Our original agreement was to take the animals from the BAS, adopt the pets out at the local PetsMart, and then, give the adoption money back to the BAS. This was supposed to be a win-win situation for both Safe Harbor and the BAS. We adopted the animals out for a set price.....normally \$70.....and then we would pay the BAS the price they would have normally charged the public if they had done the adoption themselves....\$30 for a spayed or neutered animal.....\$70 for an unaltered one. In addition, PetsMart Charities would match each adoption with a \$5 donation that went directly to the BAS. In itself, it doesn't sound like much, but it added up to between \$8000-\$10,000 for the years we were actively involved. This was just the matched donation money from PetsMart. It did not include the money paid to the BAS for the animals we took from them. None of these donations were ever given to Safe Harbor. Another understanding we had with the BAS is how they would help us with pet food from their donations when they had extra.....it very rarely happened and then completely stopped. In the beginning, there were times we would take to the BAS adoption money of \$500-600 a week. Unfortunately, relations between the BAS and Safe Harbor became strained when we received sick cats from them. I've enclosed several articles that speak of the history between the BAS and myself. I do not claim to be a saint, but what I refer to as a difference of opinions between animal welfare and animal control philosophies; they, meaning the BAS and HSUS, took to a whole different level by making it a personal attack against me and Safe Harbor.

In the nine years I have been actively involved in the rescue and rehoming of companion animals in Yellowstone and Carbon Counties, I have done the following:

- 1) Financially supported the first spay/neuter clinic in Yellowstone County, held at Garfield School in 2002. The BAS contributed \$500, Yellowstone County contributed banquet tables, HSUS showed up and my husband and I contributed over \$6500. The money we donated to this project was from the restitution we received off the theft of our horses. Almost 700 animals were done during those two days in August and the credit was spread equally among all the rescue groups.
- 2) Adopted out over 1400 cats and dogs from 2002 to 2005. (Two thirds from the BAS)
- 3) Helped people in need with emergency vet bills and spays and neuters.

- 4) Organized large pet adoption events at the local Billings PetsMart to promote responsible pet ownership, adoption, and information about anything needed by the public about animals.
- 5) Did grade school presentations on pet education and dog bites. I took to the schools, dogs that had been on the "kill list", and showed how some of the worst just need a second chance.
- 6) One of the co-founders of All for Animals. For the last two years, we have held fund raisers to raise money to buy dog and cat food to give to the local senior citizens and mental health organizations. All we do is raise the money, and then, buy and deliver the food. The organizations we give to make the decision on whom of their clients to help.
- 7) Been present at many of the Billings City Council meetings (well documented) to question policy and procedure of the BAS concerning ordinance changes, policy violations, missing donation monies and I supported the current privatization of the BAS. I have over 1200 pages of emails requested from the City of Billings (in accordance with the Freedom of Information Act) concerning myself of which I am still waiting for. These are emails from 2005 to 2008 from individuals in and out of the City of Billings who have tried shutting me and Safe Harbor down.
- 8) I was on the board of the original fundraising committee for the new Billing Animal Shelter. The first fundraiser was held during our pet adoptions at PetsMart. I did not agree with much of what was done or how or where the donated money was spent, but I shut up most of the time because a new shelter was really needed.
- 9) Last and most important and it has nothing directly to do with animal rescue, I was a main proponent for the passing of HB 272 in 1995. It was a labor bill passed in a Republican legislature and done so because it was the right thing to do. You do not take the tips from a bunch of banquet waitresses without a fight.

I have never been on any type of welfare and I have claimed unemployment only once in my life. I have been in three major lawsuits; the first being against the Billings Holiday Inn (I won), the second against the Billings Olive Garden (I won and it was appealed all the way to Washington DC and I still won) and the third, and the toughest, was the criminal trial of the theft of my horses in 2000. I won that also and received a small restitution. In the first two cases.....no money was involved.....it was just on the principles of the big guy beating up the little guy.

There are two major points I want to make on SB 221. They are as follows:

- 1) Recidivism is a word used through out all the proponent's testimony (during the Senate hearing) and if I understood it correctly, if one is accused or convicted of hoarding, a court ordered mental evaluation needed to be done so help could be given, otherwise the accused/convicted person would go back to the way they were. Again, if I understand correctly, all three points of the criteria needed to be met. My question is....who decides if the three points are valid or not for the person to be a hoarder? My neighbor, Mrs Anderson, who has testified many times, accuses me of being a hoarder. How did she become an authority on hoarding.....just by saying it? I was never asked to take a mental evaluation by either the Carbon County Attorney or my Defense Council. They did not think I needed one. In fact, the only ones who made an issue out of it were the HSUS and Dave Paulie. Throughout Mrs Anderson's testimony to the Judiciary Committee, I mainly heard about the barking dogs and how they didn't bother her or her husband or the town of Fromberg, but of how Mrs Kilwine, the neighbor directly below our property, had to endure the dogs' barking. First, my husband and I have lived at the current property since 1989. Kilwines' moved in four or five years later with full knowledge that we had dogs. The dogs do not bark 24/7.....many people, including the ex-county attorney, my defense attorney and my current attorney have been to our place and noted that while the dogs bark when they first arrived, they then quieted down. We live on a hill with cliffs behind us and it acts as a natural amphitheater. Our place is the last in line on a dead end road and the nearest neighbor is almost a block or more down the hill. Meanwhile, the neighbor(s), with the HSUS endorsement, continue to accuse me of being a hoarder with absolutely no scientific proof other

than their own personal testimonies. This then leads to my next question. How do the HSUS and Yellowstone County justify putting the person in charge of the Kapsa dogs (the current animal crisis in Billings) when, realistically, she could be accused as the enabler to a convicted embezzler (her boardmember and roommate) who had a bunch of cats at the time. This person was mentally evaluated (sealed) and then had to get rid of the majority of her cats by court order. Is that a hoarder or just someone with a big heart? (Copies of court transcripts enclosed) I see a conflict of interest and favoritism at its worst. Even though the convicted person is not directly working on the current Kapsa case (but was present during the raid) and she is still on probation, the HSUS has been fully aware and supportive, including financially, of the arrangement between Ms Schaeffer and her convicted roommate, boardmember and maybe, past president of her own Cat Sanctuary. Truthfully, I do not know if this person has a hoarding problem. Still, while the courts saw something, the HSUS has completely disregarded it. So, for the HSUS to consider themselves the authority on hoarding as they operate under "the color of law" throughout the state for all of these high profile and even higher costing cases animal cases, it would seem to me that they have put their credibility in serious jeopardy.

So, I return to my original question, who decides if a person is a hoarder? Everyone, who testified before the first Judiciary committee, claimed to be an expert. There was not one mental health expert, just a lot of personal opinions with personal agendas.

I have never met Mrs Anderson and she may be a decent person. Yet she claims to be an authority of my being a hoarder? When my neighbors went to the Carbon County Commissioners in 2005 with complaints about Safe Harbor, it was concerning my bid for taking animals from Yellowstone County, which showed in an article in the Billings Gazette. Apparently, some of the neighbors were led to believe that I was going to have around 200 dogs and thousands of cats at our facility. The original bid is still at the Yellowstone County Courthouse and it had nothing to do with my taking anymore animals. Carbon County Commissioner minutes state, according to the neighbors, that my place smelled horribly of dead animals and their waste, of how one of the neighbors, who had cows behind us, had shot four of the dogs for his chasing livestock and of how the animals were starving to death. There were no dogs shot nor was any physical proof ever provided, just verbal accusations. The rescue dogs were never loose to chase livestock. There was a dead animal smell.....it came from the dead cow behind our place which belonged to the person who allegedly said he shot our dogs. I have pictures of the dead cow with the brand. Concerning the animal feces smell, the first evaluation from the HSUS did not mention it. I did have some seriously ill cats that I had just brought in and I will admit to making a mistake of mixing them with my population.

When I requested the evaluation from the HSUS, it was for any ideas they could give me, where I might find grants and if they might be able to help. I had a business plan, a SOP and I was ready to apply for my federal non-profit status. Obviously, their idea of helping was to make it as hard as possible for me to continue. I won't go into details, but it was pretty obvious after the evaluation how I wasn't on their favorites list. At the end of this written testimony, I will include a few phone numbers that will verify that fact.

- 2) During tomorrows testimony, it may be brought up of the financial hardships suffered by the communities with hoarding cases. I do not know what has happened in other the communities, so I will only comment on the Yellowstone and Carbon County areas. I will say that I listened with something akin to disbelief to the raw emotions of the Yellowstone Deputy County Attorney testifying at the first hearing. No disrespect intended to her, but in June of 2005, Yellowstone County took the cheap way out with their Animal Control. The County ended their contract with the City of Billings and turned it over to the private sector. In doing so, they put county residents in the position of having no where to turn in strays or abandoned animals and created a huge

gap in public service for Yellowstone County and the City of Billings.....all over a \$5000 increase in what the county had to pay the city. This turned into a huge "turf war". Private rescues got flooded, the city turned away county animals, and people didn't know where to look for their lost pets or who to call.....on and on. Yellowstone County didn't lose any sleep in shutting down services for animal control over a small amount of money or worry about what would happen to the animals, but now they are crying about all the money for the current Kapsa situation they have had to deal with recently? The donations they have received so far will only cover a portion of what they will eventually spend with this trial. They recently had to take more money from their coffers to cover what they have spent so far.....but my question is, how much has the HSUS collected or donated from what they have taken in over the publicity of Kapsa raid to cover the counties costs or for that matter.....for any of the cities and counties bearing the costs of these huge animal cases? Many people still do not understand that the HSUS does not operate any type of shelter in the United States. They were recently under fire with the Michael Vick pit bulls.....for actually asking for money for the dogs when they never were going to have anything to do with them in the first place. With the Camp Collie situation and all the donations that were collected, how come so many of the Billings rescue groups ended up with the Preifert Kennels and the kennels never stayed in Great Falls? I never got one but I know of many who did. What the HSUS does do well is stir the public up over false information and half truths to profit over people's hardships.....it doesn't matter if it is an individual or city or county. In order for them to look like the good guy, there has to be a bad guy.....and they don't have any problems creating one if they need to.

I would like to leave you with these final thoughts on SB 221. The laws are already in place to deal with any animal hoarding or animal cruelty situation.....they are just not enforced. "One of the greatest delusions of the world is the hope that the evils of the world are to be cured by legislation"

The HSUS and some of my neighbors have accused me of hoarding and animal cruelty. I entered into a deferred prosecution agreement to reorganize Safe Harbor within three years. No where in the agreement did it say that the evidence was there to where the state could convict me. The HSUS was never involved in the agreement for a reason. There is a letter from Dave Paulie to the then County Attorney, Bob Eddleman on August 8, 2006. In the paragraph toward the bottom of the page, it reads "Now outside groups and individuals continue to allege that continued cruelty, poor care and inhumane conditions continue on the Sondeno property (after their personal visits). Two other examples include a dog recently presented to a Billings DVM (Dr Amy Lamm of Vet to Go) was positively identified as a stray dog belonging to Ms Sondeno and she (Dr Lamm) collected samples and then humanely euthanized the dog".

This dog's name was KC. She would have been 17 years old and she was in the final stages of renal failure. My husband and I had owned our girl since her birth and I was preparing myself to euthanize her. I was selfish in not wanting to do it because she was still eating, but the bottom line is, she died with someone she did not know. Dave Paulie and one of his people stole this dog off my place and I did not have any clue to where the dog disappeared to until I read this letter four weeks later at my defense attorney's office. It was also said that Paulie was told by the Carbon County Attorney "that he was lucky he wasn't being charged with felony theft". This is why the HSUS had nothing to do with my agreement with the county. When I confronted Paulie about getting the dog's body back, he denied that it was my dog. Unfortunately for Mr Paulie, the vet had already admitted it was my dog to the Carbon County Attorney.

One last comment, I have one year and a few months left on my agreement. I was underfunded, that was my crime and I took responsibility for all of my actions. When I asked for help, they shoved me under the train. Because they couldn't beat me in court, I have had nine dogs and over 100 cats stolen from the Fromberg property. They have cut up fences and kennels, vandalized surveillance cameras and personal property and some of the Paulie protected groups, have actually sold the stolen cats over the internet for their own profit. I do not know if the dogs are dead or alive. So, who is the criminal here.....

Kelly Sondeno

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References; Steve Theusen Attorney 446-2043 Penny Strong Attorney 672-4861

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County gets 8 bids to board collected animals

By TOM HOWARD Of The Gazette Staff

Faced with a hefty increase in the cost of boarding abandoned animals, Yellowstone County commissioners have asked the private sector to provide services that are now offered by the Billings Animal Shelter.

Commissioners on Tuesday opened eight bids from private agencies interested in boarding pets collected by county animal control officers. Commissioners directed their staff to analyze the bids.

"We looked at the bids and they were all over the board," Commission Chairman John Ostlund said Tuesday. Tom Kessler, the county's purchasing agent, will make a recommendation to commissioners next week, Ostlund said.


Fee increase

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Traditionally, Yellowstone County's animal control department has boarded stray animals collected in the county at the Billings Animal Shelter. But commissioners learned earlier this year that the city planned a 10 percent fee increase, from \$50,000 a year to \$55,000 a year. Future rate increases also are in store.

"We found that kind of unacceptable, so we wanted to see if we could find somebody to do it cheaper," Sheriff Chuck Maxwell said. "We wanted to see if we could do it better."

The city notified commissioners of the rate increase in a letter March 2 from Acting Police Chief Darrell Bell, who has since retired. Bell said the city had calculated that it costs \$93,074 a year to provide services to Yellowstone County's animal control program.

Bell said the City Council approved a fee increase from \$50,000 a year to \$55,000 a year for the 2006 fiscal year. The remaining increase would be phased in over ensuing years until the fee matches the cost of providing the service. Bell's letter didn't specify when future rate increases would occur.

"We will be requesting approval of increases to the contract each year until the actual cost for services is covered," he wrote.

#### City covers costs

In the letter, Bell said that the city must increase its rates because of higher costs associated with operating the new animal shelter and because the city must pay for costs that were previously covered by the state.

According to the county's request for proposals, Yellowstone County's two animal control officers typically pick up about 300 dogs a year, with an average stay of two days per dog. County animal-control officers collect some cats, but only those that have bitten a person. The number of cats boarded is expected to be minimal, according to county officials.

According to the proposal request, the selected firm or individual wouldn't be required to collect fees or fines from animal owners. The contractor also wouldn't provide veterinary services.

Firms that submitted bids were Brickyard Boarding Kennel, Pampered Pet Day Care Boarding, Big Sky Pet Center, Moore Lane Veterinary Hospital, Help for Homeless Pets, Safe Harbor Reserve and Four J's Kennel, which submitted two bids.

Published on Wednesday, June 01, 2005.  
Last modified on 6/1/2005 at 12:06 am

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## Animal activists buy lives of pets at pound

By JACI WEBB Of The Gazette Staff

A little boy giggled when a couple of dogs found his face with their tongues Saturday afternoon at PetSmart.

The encounter didn't seem significant except that both dogs would have been euthanized if volunteers from Safe Harbor hadn't bailed them out of the Billings Animal Shelter. Safe Harbor is a non-profit group involved in pet rescue.

"You've heard of the movie 'Dead Man Walking?' Well, we do dead cat walking and dead dog walking," said volunteer Sandra West Prowell. "We pull them off of death row at the pound. We go down there before they go into that room and buy as many of the healthy dogs and cats as we can and find them homes."

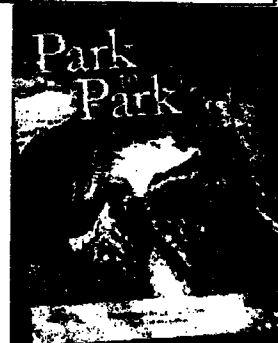
The group will be back at PetSmart, 2510 King Ave. W., today from 11 a.m. until 5 p.m. They're showing six dogs and seven cats who are available for adoption.



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One woman took two of the dogs out for a walk behind the store Saturday, looking for guidance from a volunteer on how to make them heel. She decided to think about the adoption before taking either of the dogs home. Another dog, a 6-year-old German shorthair named Coco, sat quietly next to volunteer Chris Greenfield, waiting for a treat or someone to pet her.

"We've got a lot of people coming back," Safe Harbor founder Kelly Sondeno said Saturday.

"We're not trying to push our animals on anyone; we want them to find good homes."

Since Safe Harbor formed in September, the group has bought 80 dogs and cats from the Billings Animal Shelter and found homes for 42 of the animals. They also take in unwanted dogs and cats from pet owners who can no longer keep the animals. Safe Harbor is treating several cats they purchased from the shelter for a respiratory disease they contracted at the animal shelter. Ten others cats died from the illness.

Safe Harbor volunteers envision a day when they can work with the other dozen animal rescue groups in Billings to get healthy pets adopted out instead of put to sleep. They believe the non-profit groups can take over the shelter's adoption responsibilities and allow the shelter to work solely on enforcement and animal control. As of Nov. 30, the Billings Animal Shelter euthanized 1,224 cats and 725 dogs, for a total of 1,949 animals in 2002. That was down from 2001, when the shelter euthanized 1,559 cats and 899 dogs for a total of 2,458 animals. Sondeno and others believe that number is too high.

Sondeno and Brenda Emery, a member of Safe Harbor's board, have been trying to negotiate a contract with Dave Klein, director of the Billings Animal Shelter, to buy death row animals at a reduced rate. The pet rescue organization now adopts animals at the shelter's normal rate of \$70. The cost covers fees for neutering the pet.

Safe Harbor passes the \$70 adoption fee onto its clients,

along'  
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but the group also insures that animals are vaccinated, properly socialized and disease free before they are adopted out. They will take the pet back if the adoption doesn't work out and they promise to help with medical expenses should the pet become sick within a short time after adoption.

"We need more animal activists," Prowell said. "The indiscriminate slaughter of healthy animals is just disgusting."

Adopting out healthy pets is only one piece of the puzzle. The other is to get dogs and cats spayed or neutered to reduce the population of unwanted pets. That's why the group was instrumental in helping the Yellowstone County Spay and Neuter Task Force in bringing a free spay/neuter clinic to town for two days in October. The clinic, made up of primarily of veterinarians from Western Montana, spayed or neutered 700 animals in Billings.

"The sad part is we had to turn away another 600," Sondenno said.

They hope to bring in another free clinic this spring. Sondenno said with regular clinics to help low-income pet owners neuter their pets, the number of stray animals in Billings will be significantly reduced.

Klein could not be reached for comment. Shirley McDermott, a City Council member who has spoken with Safe Harbor, said she applauds any effort to reduce the problem of stray animals in Billings.

"Let's face it, we need all the help we can get," McDermott said. "Any time you have a group that's willing to help with the problem, it's worth listening to them. There are a lot of people who have pets who are not very responsible about taking care of them."

Jaci Webb can be reached at 657-1359 or at [jwebb@billingsgazette.com](mailto:jwebb@billingsgazette.com)

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## PROPOSAL

December 26, 2002

The original verbal agreement between Billings Animal Shelter and Safe Harbor required Safe Harbor to turn over all adoption fees to Billings Animal Shelter. Even though the animals were transferred into Kelly Sondeno's name, the Billings Animal Shelter retains ownership until an actual adoption takes place and money is paid.

As per our previous discussions, Safe Harbor has incurred numerous medical costs connected to the animals taken from the Billings Animal Shelter. These animals became sick within 1 - 5 days of entering our care. Considering that the majority of viruses become active 2-4 weeks after exposure to the virus and that stress can activate it quicker, it is most likely that these animals were exposed prior to entering the shelter. Normally if these animals had been left in the shelter, they would have been euthanized. Because these animals are currently in Safe Harbor's care, Safe Harbor's bylaws prevent them from being euthanized. This presents a dilemma for both the Billings Animal Shelter and Safe Harbor.

Considering that it would cost the Billings Animal Shelter \$1705 to euthanize the 31 animals still in Safe Harbor's possession and since 9/15/02, Safe Harbor has:

1. Promoted the Billings Animal Shelter as willing to avoid un-necessary euthanization by working with local animal rescue groups, and referred potential adopters to the Animal Shelter.
2. Proved to be cooperative with Shelter inspections and rules as well as been responsible for ensuring that animals removed from the shelter have been cared for in a humane and responsible manner, spayed/neutered, micro chipped and given rabies and distemper shots before and/or after being adopted.
3. Removed 72 animals that were listed to be euthanized. Estimated savings to the shelter: \$3960 (\$55\*72)
4. Adopted out 34 animals under the Billings Animal Shelter's name and turned that money over to BAS, thereby raising their adoption numbers as well as earning them \$2340.
5. In three months time, Safe Harbor has increase the Billings Animal Shelter's budget by \$6300, and has received no monetary compensation.

Safe Harbor is requesting that the Billings Animal Shelter permanently release ownership of said animals to Safe Harbor, thereby saving the Animal Shelter the expense of euthanization and allowing Safe Harbor a chance to recover the medical costs they have incurred on these animals.

Agreed upon on \_\_\_\_\_ of \_\_\_\_\_

Signature BAS

Date

Signature Safe Harbor

Date

C.A. Schaeffer  
21113 Walter Rd.  
Billings, Mt. 59105  
(406)248-2388

December 11, 2000

Dear Mrs. McRae,

From May1, 2000, until the end of August 2000, Mary Ann Wegner spent three (3) days a week at my home. During that period of time I did not charge Mary Ann rent.

Since September, Mary Ann has been living at my home and I have asked her to pay me \$150. monthly, plus after deducting my business utility costs, she and I are to split the remaining amount due. Since her finances have been strained, I have allowed Mary Ann to work her \$150. per month rent by cleaning in my boarding and grooming facility. Mary Ann's portion of the utilities will average \$150. per month, and she's responsible for her own groceries. This arrangement has proven to be satisfactory to both Mary Ann and myself, for the time being.

Should you have any further questions concerning this matter, please feel free to contact me at your convenience. I continue to look forward to your home visit and wish you and yours a wonderful holiday season.

Sincerely,

*Catherine A. Schaeffer*  
Catherine A. Schaeffer

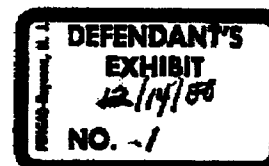
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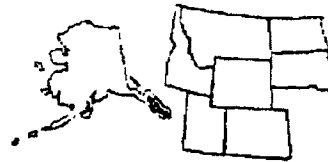
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give up cats



The HSUS Northern Rockies Office  
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Suite 215  
Billings, MT 59101  
406-255-7161 (F) 7162



C8-8-06

Mr. Edelman  
Carbon County Attorney  
Red Lodge, MT

Thank you for meeting briefly with me last week. I am excited that you are putting some targeted energy into resolution of this case.

My phone and email have been busy getting calls of concern and expressing frustration. But a recent communication from a neighbor of Ms Sondeno prompts my writing you for some two way clarifications. Please forgive the random presentation... but these issues are coming to me in many random formats.

As you know, my statement submitted in late January was my professional opinion of the status of the Sondeno property on that one day in time. I still am of the opinion that most of the animals were kept in inhumane conditions on that day. The decision to charge felony status was Mr. Wilson's' based, I believe both on the Montana statute for the number of animals and the conditions of the six horses, four cats and five dogs that the DVM's rated as inhumane. Ms Sondeno, as a long time equine and feline rescuer knows the difference between good and poor health. The Six horses taken from that property that day are one of the classic equine starvation and inhumane care cases I have worked on in 26 years. They horses were simply deprived of food and water and were slowly starving because of it. Please look at the January 24<sup>th</sup> photos and any of the later sets of photos. These horses today have well fleshed, energetic and in great shape. And we only had to worm them, delouse them and provide normal veterinary care to bring them into good shape. I do not think there is a jury in Montana whom would believe that Ms Sondeno was actually trying to Rescue these horses. She had them for years and had recently lost two of them.

Many people, including staff of the Carbon County Sheriffs Office mistakenly think that the Humane Society of the United States was court appointed as guardian ad litem or court ordered custodians of the animals and that we somehow have authority to do compliance checks on these animals. I had offered that capability at least twice... but no action was ever taken on it. So our office is left spending over twenty thousand dollars for the care of ten animals that should have been resolved some months ago

Now, outside groups and individuals continue to allege that continued cruelty, poor care and inhumane conditions continue on the Sondeno property (after their personal visits). Two other examples include A dog recently presented to a Billings DVM (Dr Amy Lamm of Vet2Go clinic) was positively identified as a stray dog belonging to Ms Sondeno and she collected samples and then humanely euthanized the dog. And a carbon county sheriff's deputy who went to the property on another matter reported that conditions two weeks ago were worse than they were in January

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Also, although, potentially not binding ... on January 24<sup>th</sup> Ms Sondeno promised Mr. Wilson that she would not accept any more animals until this case was resolved. She has in fact added dozens of animals and birthed dozens of litters of kittens. I believe, Ms Sondeno has more animals on the property than she had in January.

Finally, some discussions have apparently taken place about what The HSUS would do with the animals if they were surrendered (which won't happen) or confiscated. Again... we never committed to Carbon County that we would be able to accept the animals... our role was simply to hire qualified DVM's for the initial warrant service.

But for the record, we also could help with any disposition if asked to. Generally in cases like this any animals' microchipped or determined to be from groups like the Billings Animal Shelter or Help for Homeless Pets would be returned to them for rehoming. Others would get species appropriate screenings. For dogs this would be a certified temperament test for adoptability which would ensure the animal can be safely adopted and is not a potential liability claim for child intolerance or food bowl guarding. Dogs not passing the temperament test would be placed in the rescue network (breed rescue or general rescue) that places the dogs in special foster care or adoption situations. For cats, a similar health screening and temperament screening would take place. Only those animals that fail several levels of adoptability tests or that have intensive or communicable disease would be considered for humane euthanasia. That list would then be double checked for special adoption potential at cat rescues or special situations. But in the end it is impossible to guarantee that no animals would be euthanized. I think my office has a spectacular track record for minimizing any euthanasia... while still providing for public safety and animal disease control.

In summary, this case continues to be a financial and emotional drain on this office and we wholeheartedly support any efforts to bring it to some conclusion. I would appreciate your help in communicating to the Sheriff's Office that our as caretakers or compliance officers was never truly established and that we would have found a way to make regular checks IF we had been given the authority to make site visits.

Thanks again for your efforts to pursue this. IF we could get a release of the horses and cats in our care that would be a big step towards a final resolution in this case.

  
Dave

Dave Pauli, Northern Rockies Team Leader  
The Humane Society of The United States  
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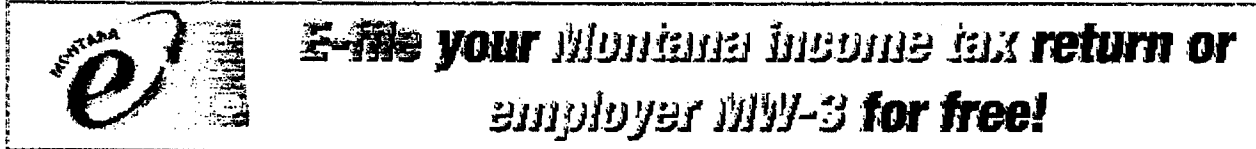


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## Animal cruelty charges deferred

By LINDA HALSTEAD-ACHARYA  
Of The Gazette Staff

FROMBERG - Even some of her detractors admit that Kelly Sondeno of Fromberg has a soft heart for animals. Perhaps too soft, some say.

More than a year ago, in January 2006, Sondeno had gathered more than 125 animals at her Safe Harbor animal rescue facility in Fromberg. An inspection that month resulted in a handful of them being removed from the property and Sondeno being charged with one count of aggravated animal cruelty.

Before then and since then, both supporters and detractors haven't been shy about vocalizing their opinions. But on the last day of May of this year, Sondeno agreed to a pretrial diversion agreement that defers prosecution on the felony charge if she adheres to a list of conditions.

The agreement, hammered out between Sondeno, her attorney Steve Thuesen and Carbon County Attorney Bob Eddleman, stipulates that Sondeno can continue operating Safe Harbor for the purposes of animal rescue, sheltering and adoption. She is, however, limited to a maximum of 30 dogs and 60 cats - and a "reasonable number" of personal pets - on site. As part of the agreement, Sondeno must permit announced inspections of the facility, as well as veterinary examinations of the animals there.

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Eddleman, noting that Sondeno had also provided the court with a financial plan, an operating procedure and plans for a new kennel, said she has three years to make improvements at the facility.

"I'm hopeful she'll do what she says," he said. "If she doesn't, we can come back and institute charges."

During the months that the case has languished in the legal system, Eddleman has heard from both sides. In signing the agreement, he says he has taken the middle road.

"Is it the perfect situation? No," he said. "But once she gets that facility up, it'll be a lot better."

Problems at Safe Harbor, founded by Sondeno in 2002, go back several years. In July 2005, Sondeno requested an inspection of the facility by the Humane Society of the United States. The initial inspection found an "underfunded attempt to help as many animals as possible" and noted an overabundance of cats and an equine rescue operation described as "borderline."

During the January 2006 inspection, which precipitated the charge, four cats were removed for custodial care and six horses were identified for custodial care but remained on site until they could be moved elsewhere. Another 50-some dogs and 75-100 cats were left in Sondeno's care, which Sondeno says only confirmed that the problems at Safe were not serious.

Sondeno, who considers the pretrial agreement fair, said she currently has 23 dogs and 40 to 50 cats at Safe Harbor. The four cats that were taken from Safe Harbor more than a year ago will be returned to her. The six horses, which have been cared for under the auspices of the HSUS, will be adopted out or sold.

"The agreement was made because it was something I thought was in the best interest of everybody," Sondeno said.

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present problem

That "everybody," however, does not include Dave Pauli, regional director of the HSUS Northern Rockies Region. He criticizes the agreement for lacking teeth and a timetable. He says it fails to address public nuisance issues and he's concerned that Sondeno is still allowed to harbor 90 animals, not counting personal pets, at Safe Harbor. He also faulted the parties that arrived at the agreement for failing to consult the HSUS and other organizations.

"We were totally out of the loop," he said. "We were disappointed that there was not some outside input put into this."

Pauli said the agreement should have included specifics, like requirements for vet examinations and exterior cat-proof fencing. He said he hopes the facility, the only animal shelter in Carbon County, receives community support and he encourages Carbon County residents looking to adopt a dog or cat to visit Safe Harbor.

"If they don't like what they see, they should call Mr. Eddleman and tell him what they think," he said.

Meanwhile, Sondeno said her first order of business is to create a cat compound by encircling five acres with chain link. Next summer or fall, she said she plans to build a new kennel over the crest of the hill on the west side of her property. She estimates the improvements will run in excess of \$100,000, an amount she said she and her husband are prepared to cover if necessary.

"There will be no way I can make it without making some changes" she said.

Sondeno talks about the need for all parties to work together to solve the problem of unwanted animals. At the same time, she talks about filing charges against some of the parties that, according to her, exaggerated Safe Harbor's shortcomings and resulted in the animal cruelty charge.

But for now, she is gearing up for her first adoption event in more than a year. On July 14, she plans to bring 10 to 15 cats and two or three dogs to Shipton's, in hopes of finding them new homes.

"I've picked my niche out," she said. "I'm not giving up on this."

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## Facility can keep animals during probe

By **LINDA HALSTEAD-ACHARYA**  
Of The Gazette Staff

**FROMBERG** — By this time next week, Carbon County officials and the founder of an animal rescue facility in Fromberg should know the outcome of an animal health inspection at the facility Tuesday.

Carbon County Attorney Kemp Wilson will wait until the report is complete before deciding if the county will press for charges. Meanwhile, Kelly Sondeno, who runs Safe Harbor Rescue, will continue caring for the dozens of animals still on her property.

"They are still her animals, except those in legal custodial care," said Dave Pauli, regional director of the Humane Society of the United States Northern Rockies Region. Pauli helped organize Tuesday's animal health assessment team, which played a pivotal role in the inspection. The team included three veterinarians specializing in canine, feline and equine issues.

### Some animals removed

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As a result of the inspection, six horses and four cats were identified for custodial care. The cats were removed from Safe Harbor, but the horses, several of which were not trained sufficiently to be led, will remain there under an agreement with the Humane Society. A canine veterinarian involved in the inspection also recommended that five of the dogs be placed under special care. Pauli revisited Safe Harbor Wednesday and will continue with follow-up.

Pauli said the health inspection report should be wrapped up by week's end, after which it will go to Carbon County Sheriff's Deputy Stan Frank, who headed up the law enforcement team. Frank has been investigating Safe Harbor since last August, when an informal inspection identified potential problems there. The report will ultimately go to Wilson.

"It's always frustrating to the general public because they expect things to happen in a 24-hour timeframe," Pauli said. "But it's more realistic to expect a 24-day timeframe, to protect not only the animals but the alleged perpetrator."

### Problems acknowledged

Sondeno, who founded Safe Harbor Rescue in 2002, acknowledges some problems there but says most of the issues are due to unrealistic expectations. One of the original goals of Safe Harbor was to remove pets from the animal shelter before they were euthanized and find homes for them. Sondeno said Safe Harbor has adopted out more than 1,400 animals since 2002.

"People have a fairy-tale notion that animal rescue should look like something off Animal Planet," she said. "That's not the real world. Everyone's strapped for money."

Sondeno said the pens at Safe Harbor look shabby because there's little money or help to upgrade them. But

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she insists they are routinely cleaned. And a number of the animals have health issues, but many of them came to her sick, and she has the paperwork to document that, she said. As for the backlog of animals on the property, she said many of the dogs have issues that make them challenging prospects for adoption.

"Some of these dogs out here I've had too long because the right people haven't come along," she said.

She denies reports of feline leukemia at Safe Harbor. Following last summer's evaluation, 15 cats were randomly tested and none of them came up positive for the disease, she said.

Describing herself as "an outspoken advocate against the (Billings) animal shelter," Sondeno traces the root of her problems to 2002, when she went before the Billings City Council to voice her grievance over a dog that was euthanized at the old animal shelter. As for Tuesday's inspection, she sees it as confirmation that the problems at Safe Harbor are not serious.

"If the animals were in such bad shape, they would have taken them," she said.

And yet, statements and complaints collected by the Carbon County Sheriff's Office suggest otherwise.

"I felt we had seen enough information that would justify the filing of an application for a search warrant," Wilson said.

Besides animal health staff, the team that arrived at Safe Harbor Tuesday included four deputies, a photographer designated by the sheriff's office and the Carbon County sanitarian. If justified, charges could range from a public nuisance violation to felony charges of aggravated animal cruelty and even charges related to soil and water pollution.

This week's inspection follows a mini-evaluation at Safe Harbor that took place in July 2005. The informal inspection, which did not involve veterinarians, concluded that the cat facility "teeters between an unrestricted feral cat colony and a typical cat hoarder situation." The equine operation was listed as "borderline." The canine operation received the best marks, but evaluators questioned the facility's goal in canine rescue and stated that there were too many dogs for the existing facilities.

In summary, it said, "Safe Harbor may be well-intentioned, but appears to be an underfunded and overmotivated animal rescue facility."

Since the July inspection, Pauli said two horses reported in bad shape had been euthanized, but otherwise the

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number of animals at the facility was "not dissimilar." The July report listed 50-plus dogs and between 75 and 100 cats on-site. There was no figure given for the number of horses present.

Pauli expects Tuesday's inspection to provide a clearer picture of the situation.

It has yet to be determined whether more animals will be taken into custodial care. Should the necessity arise, Pauli said the Humane Society has taken on that role before, as it did in Camp Collie. In that case, federal customs officials seized more than 180 mistreated dogs during a truck inspection at the U.S.-Canadian border north of Shelby. The dogs remained in limbo for months while proceedings dragged on.

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Stray pets seen as growing problem

By TOM HOWARD  
Of The Gazette Staff

People who run private pet sanctuaries say they're seeing more abandoned animals since the Billings Animal Shelter reduced its services last year.

The shelter closed its 24-hour drop-off cages last year after Yellowstone County opted to contract with a private animal boarding agency rather than the Billings shelter.

City officials said the drop-off cages had to be closed because they had no way to determine whether animals left at the shelter came from the city or from the county outside city limits.

Because the county no longer provides financial support to the animal shelter, the shelter no longer accepts animals from outside city limits. And since the 24-hour cages have been closed, the Animal Shelter accepts animals only during its hours of operation: Monday, Tuesday, Thursday and Friday from noon to 6 p.m. and Saturday from 1 to 4 p.m.



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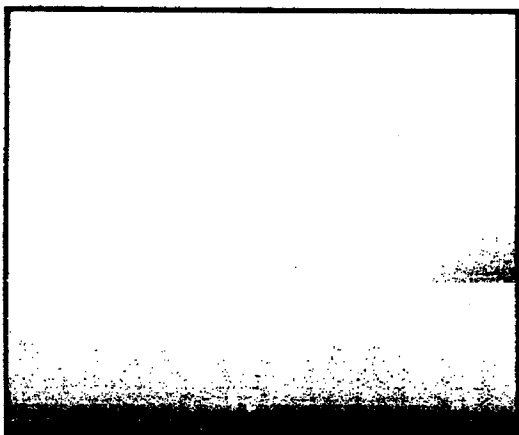
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## Dogs a problem, too

Heather Cuning, who runs Hope Haven, a Lockwood pet sanctuary, says stray dogs have become a bigger problem in her neighborhood since the Animal Shelter eliminated the drop-off option.

"We have some large-breed dogs that are running loose and children are afraid to go out," Cuning told the Billings Animal Control Board on Wednesday night. She said Lockwood seems to be a convenient dumping ground for unwanted pets.

Angie Cook, of Help for Homeless Pets, said pets have been left at the agency's front door. She suspects that many of them are from within the city.

Catherine Schaeffer, who runs Last Chance Cat Sanctuary in the Heights, said Cuning's assessment coincides with what she is hearing from other animal advocates.

"I do believe there are a lot of city animals being dumped in the county," Schaeffer said. "It's not just dogs. If what is happening continues, you'll be hearing a lot more about issues like animal cruelty."

Schaeffer founded Last Chance Cat Sanctuary in 1998 as a "no kill" haven for unwanted but adoptable cats. The nonprofit agency sponsors spay and neuter clinics and works to place cats in good homes. Last Chance presently cares for 145 cats, she said.

The Animal Control Board invited people who operate animal boarding services and sanctuaries to Wednesday's meeting to discuss common concerns. City officials also are studying the possibility of having a nonprofit organization operate the Animal Shelter.

Several of the 30 people attending the meeting expressed

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concerns about the county's decision to contract with a private service. Some said the Animal Shelter should consider reopening the 24-hour drop-off cages to help curb the flow of animals showing up at sanctuaries.

### Numbers down

During Wednesday's meeting, Animal Shelter Director Dave Klein estimated that the number of animals taken to the Billings Animal Shelter declined by about 50 percent after the county decided to contract with a private firm. During the last four months of 2004, the shelter received 1,582 animals. During the same period in 2005, the shelter received 882 animals.

Sheriff Chuck Maxwell said Thursday that the county decided to contract with Big Sky Pet Center because it costs about half of what the Animal Shelter planned to charge the county. The county is paying Big Sky around \$20,000 to board animals for the 2006 fiscal year, compared to a \$55,000 charge for services from the city shelter, he said.

"We have been very happy with the private enterprise," Maxwell said Thursday. He said county animal officers are collecting about the same number of animals that they had previously, about 50 a month.

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